

REMARKS

Claims 1-8 stand rejected under 35 USC 103(a) as being unpatentable over Cragun in view of Hedrick.

Cragun discloses a method and apparatus for automatic selection and presentation of sales promotion programs. The apparatus first detects whether a person is in the area, and then either selects a general attract loop sales promotion program if no person is detected or selects a specific loop sales promotion program if at least one person is detected in the immediate area and has not touched a touch screen within a predetermined time period of the person being detected (Fig. 4). The sales promotion program may include sound or multimedia.

Applicants' claims 1-9 tie presentation of a special or more distinctive advertising to a time limit without use by the person. Cragun fails to explicitly or inherently disclose the step of timing a time period of displaying the first information. As long as Cragun's apparatus senses someone to be present, the apparatus displays the specific loop sales promotion program.

Hedrick discloses an apparatus which displays a special attract mode if a use event has *not* been detected within a time period. However, Hedrick's time period precedes the special attract mode, while Applicants' time period is *coincident* with

the special or more distinctive advertising. Therefore, the combination of Hedrick with Cragun fails to produce Applicants' claimed invention.

Further, one skilled in the art would not be motivated to combine the teachings of Hedrick with those of Cragun because there would be no reasonable expectation of success.

Cragun's apparatus displays a special or sales promotion program if someone is present. Hedrick's apparatus enters an attract mode if someone is not present. The two methods of operation are incompatible. To combine Hedrick with Cragun would destroy the intended function of Cragun's apparatus. See *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984).

Applicants have added claim 9 which recites resetting the time period of displaying the first information as long as the person is using the kiosk. Cragun and Hedrick fail to teach this limitation as well.

In view of the foregoing remarks, Applicants respectfully submit that claims 1-9 are in condition for allowance. Action to that end is hereby solicited.



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